

## REMARKS

### I. Status of the Claims

Claims 3, and 10-14 are pending in the instant application. Claims 1, 2 and 4-8 were previously canceled in a preliminary amendment submitted October 10, 2002. In the same preliminary amendment, applicants submitted new claims, which Applicants numbered 9-13, however, these new claims were mis-numbered because the initial application inadvertently included two claims numbered as claim 7. Hence, Applicants have renumbered claims 9-13 as claims 10-14. Claims 13 and 14 have been amended to correct antecedent basis for these claims.

Claims 3 and 10-14 were subject to a restriction requirement requiring an election of species in the Office action dated June 25, 2003. Applicants traversal and response to the restriction requirement is attached.

### II. Election of Species

Claims 3 and 10-14 were indicated by the Examiner as being generic to a plurality of disclosed, patentably distinct species comprising compounds that block stretch-activated channels of eye retinal ganglion cells. The Examiner required an election of a species under 35 U.S.C. §121.

In order to be fully responsive to the office action, Applicants elect agonists of gandolium. However, Applicants traverse the election of species requirement because 37 C.F.R. §1.141 provides that a reasonable number of species may still be claimed in one application. The species being listed in claims 11 and 14 all are linked by the generic property (function) in that they blocks stretch-activated channels of eye retinal ganglion cells. Applicants submit that a reasonable number of species are presented in claims 11 and 14 and reserve the right to request reconsideration and rejoinder of the remaining species in accordance with 37 C.F.R. §1.141.

Application No.: 10/084,604  
Reply dated July 25, 2003  
Reply to Office action of June 25, 2003

Docket No.: 29264/38278

The Examiner is invited to contact the undersigned with any questions, comments or suggestions relating to the referenced patent application.

Dated: July 25, 2003

Respectfully submitted,

By   
Nabeela R. McMillian

Registration No.: 43,363  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant